FILED
June 18, 2024
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

WESTE	ERN DISTRICT OF TEXAS
BY:	NM
	DEPUTY

CRAIG CUNNINGHAM,

v.

Plaintiff,

WATTS GUERRA, LLP, et al.,

Defendants.

CIVIL NO. SA-22-CV-00363-OLG

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court has considered United States Magistrate Judge Henry J. Bemporad's Report and Recommendation (R&R), filed May 23, 2024, concerning the 12(b)(1) and 12(b)(6) motions to dismiss filed by Defendants and the 12(b)(2) motion to dismiss filed by Defendant Watts Guerra, LLC. (See R&R, Dkt. No. 110.)

Any party who desires to object to a Magistrate Judge's findings and recommendations must serve and file specific written objections within fourteen days after being served with a copy of the findings and recommendations. FED. R. CIV. P. 72(b)(2). All parties, through counsel, were electronically served with a copy of the R&R, and the time to object has passed. Because no party has objected to the Magistrate Judge's findings or recommendations, the Court reviews the R&R for clear error. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989); *cf.* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which an objection is made.") After such review, the Court finds that the R&R is neither clearly erroneous nor contrary to law.

Accordingly, the Court **ACCEPTS** the Magistrate Judge's R&R and, for the reasons set forth therein, it is **ORDERED** that:

- Defendants' 12(b)(1) motion to dismiss (Dkt. No. 94) is GRANTED IN PART as to Watts Guerra LLP and DENIED IN PART as to all other defendants.
- 2. Defendant Watts Guerra, LLC's 12(b)(2) motion to dismiss (Dkt. No. 96) is **DENIED**.
- Defendants' 12(b)(6) motion to dismiss (Dkt. No. 95) is DENIED AS MOOT as to Watts
 Guerra, LLP and DENIED as to all other defendants.
 It is so ORDERED.

SIGNED this $\int \mathcal{S}$ day of June, 2024.

ORLANDO L. GARCIA United States District Judge